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EXAMINER

MCCLELLAND, KIMBERLY KEIL

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-9 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0126597 to Cohen et al. as applied to claims 1-4 and 32 above, and further in view of U.S. Patent No. 7,063,768 to Tsujimoto et al.

4. With respect to claim 1, Cohen et al. discloses a laminate manufacturing process, including providing at least one continuous process foil (20) depositing a continuous, substantially non-polymeric semi-manufactured product band (16) to the process foil (20) sealing the semi-manufactured product band (16) with respect to the process foils (20) by gluing (18) said semi-manufactured product band to said process foils (20); depositing a hardenable synthetics (14) to the semi-manufactured product

Art Unit: 1791

band (16); while providing a bonding between the synthetics and the semi-manufactured product (see Figure 1A). However, Cohen et al. does not specifically disclose hardening the synthetics.

5. Tsujimoto et al. discloses a method of making laminates, including it is known in the art as equivalent to provide polymer layers as either a separate film, or by coating to form the layer (column 22, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the equivalent unhardened synthetic coating layer followed by a hardening step to form the laminate as taught by Tsujimoto et al. for the synthetics in hardened film form disclosed by Cohen et al.

6. As to claim 2, Cohen et al. discloses the step of depositing a continuous process foil (12) on the hardenable synthetics (see Figure 1A).

7. As to claim 3, Cohen et al. discloses the step of introducing reinforcement material into the hardenable synthetics (15).

8. As to claim 4, Cohen et al. does not specifically disclose the step of calendaring by means of a calendar. Examiner notes the phrase “especially preferably immediately prior to the hardening step” does not further limit to the claim.

9. Tsujimoto et al. discloses a method of making laminates, including calendaring (4; See Figure 2). It would have been obvious to one of ordinary skill in the art to calendar the laminate of Cohen et al. as taught by Tsujimoto et al. The motivation would have been to provide a smooth surface on the laminate.

Art Unit: 1791

10. As to claim 31, Cohen et al. discloses dispensing gluing tape (18) as an intermediate later between the semi-manufactured product band and the process foil (See Figure 1A).

11. As to claim 32, Cohen et al. does not specifically disclose depositing fluid glue between the semi-manufactured product band and the process foil.

12. Tsujimoto et al. discloses a method of making laminates, including it is known in the art as equivalent to provide polymer layers as either a separate film, or by coating to form the layer (column 22, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the equivalent fluid polymer layer as taught by Tsujimoto et al. for the polymer in hardened film form disclosed by Cohen et al.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-9 and 31-32 have been considered but are moot in view of the new ground(s) of rejection. Applicant's remaining pertinent arguments are addressed below:

14. The words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). As applicant has not set forth any new, limiting definition of a "process foil" in the current specification, any film or web used in a process is considered as meeting the limitation of a "process foil". An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim

Art Unit: 1791

terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994).

Consequently, applicant's argument that the prior art does not specifically disclose the exact term "process foils" is not persuasive.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY K. MCCLELLAND whose telephone number

Art Unit: 1791

is (571)272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Thr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly K McClelland/  
Examiner, Art Unit 1791

KKM

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791